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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/992,790	11/05/2001	Haihong Zheng	27592-00425-US	7356
30678 7590 08/26/2010 CONNOLLY BOVE LODGE & HUTZ LLP 1875 EYE STREET, N.W. SUITE 1100 WASHINGTON, DC 20006				
EXAMINER EL CHANTIL, HUSSEIN A				
ART UNIT 2457		PAPER NUMBER		
MAIL DATE 08/26/2010		DELIVERY MODE PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

09/992,790

**Applicant(s)**

ZHENG, HAIHONG

**Examiner**

HUSSEIN A. EL CHANTI

**Art Unit**

2457

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 July 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 5-14 is/are allowed.
- 6) ☒ Claim(s) 1-4 and 15-20 is/are rejected.
- 7) ☒ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This action is responsive to RCE received July 23, 2010.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section and in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-4 and 15-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Borella et al., U.S. Patent No. 6,816,912 (referred to hereafter as Borella).

As to claims 1 and 17, Borella teaches an apparatus and method for facilitating network-initiated bearer setup of a bearer between a first communication node and a correspondent node through operation of a selected bearer manager, wherein communication node is selectably operable to communicate by way of a communication network with file correspondent node, comprising:

a first bearer setup request generator associated with a first application-level entity, said first bearer setup request generator for-configured to generate a first application-level bearer setup request and to provide the first application-level bearer setup request to a transport-level entity (see col. 11 lines 36-col. 12 lines 19), wherein the transport-level entity comprises an AAA entity (see col. 16 lines 54-col. 17 lines 4);

the first bearer setup request for requesting the selected bearer manager to create the bearer between the communication node and the correspondent node, and the first bearer setup request, when generated at the first application-level entity, free of the network address identifying network location of the selected bearer manager (see col. 11 lines 36-col. 12 lines 19).

As to claims 2 and 18, Borella teaches the apparatus of claims 1 and 17 respectively wherein the communication network comprises an application level and a transport level, where the first application-level entity forms a portion of the application level, and wherein said first bearer setup request generator forms a portion of the application level (see col. 15 lines 65-col. 16 lines 20).

As to claim 3, Borella teaches the apparatus of claim 2 wherein the first bearer setup request generated by said first bearer setup request generator is sent to the transport level (see col. 15 lines 65-col. 16 lines 20).

As to claim 4, Borella teaches the apparatus of claim 3 wherein the separate-level transport level comprises an AAA (Authentication Authorization Accounting) entity, and wherein file first bearer setup request generated by said first bearer setup request generator is sent to the AAA entity (see col. 16 lines 55-col. 17 lines 14).

As to claim 15, Borella teaches the apparatus of claim 1 wherein the communication system comprises radio communication system and the communication node comprises a mobile node, wherein the communication network comprises a first network portion and at least a second network portion, the first network portion defining a home network of the mobile node and file second network portion defining a visiting

network of the mobile node, wherein the first application-level entity comprises a home-network application server and wherein said first bearer setup request generator is associated with the home-network server (see col. 16 lines 25-64).

As to claim 16, Borella teaches the apparatus of claim 1 wherein the communication system comprises a radio communication system and the communication node comprises a mobile node, where the communication network comprises a first network portion and at least a second network portion, the first network portion defining a home network of the mobile node and the second network portion defining a visited network of the mobile node, where the first application-level entity comprises a visited-network application server, and wherein said first bearer setup request generator is associated with the visited-network server (see col. 7 lines 25-64).

As to claim 19, Borella teaches the method of claim 18 further comprising the additional operation of routing, from the transport-level entity, a separate-level signaling-layer request signal to the selected bearer manager (see col. 16 lines 25-64).

As to claim 20, Borella teaches the method of claim 19 further comprising the operation of returning a bearer-manager response message to the first application server (see col. 16 lines 25-64).

***Allowable Subject Matter***

4. Claims 5-14 are allowable over prior art of record..
5. Applicant's arguments have been fully considered but are not persuasive. Applicant argues in substance Borella does not teach an application level entity to generate a first application level setup request.

In response, Borella teaches the mobile node comprises an application layer issuing requests at an application layer using application programs 62 (see col. 5 lines 54-col. 7 lines 11). The mobile node has a foreign agent coupled to the mobile node. The foreign agent sends a request to a tunneling server to establish a tunnel (see col. 11 lines 35-65). Examiner interprets the for foreign agent to be the claimed "first bearer setup request generator" and interprets the tunneling server to be the claimed transport-level entity". Therefore, Borella teaches the limitations as claimed.

**5. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

**6.** Any inquiry concerning this communication or earlier communications from the examiner should be directed to **HUSSEIN A. EL CHANTI** whose telephone number is (571)272-3999. The examiner can normally be reached on Mon-Fri 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571)272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Hussein Elchanti/  
Patent Examiner

August 25, 2010